

E-Filed 3/29/12

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BROOKS AUTOMATION, INC.,

No. C 11-05776 RS

Plaintiff,

**CASE MANAGEMENT
SCHEDULING ORDER**

v.

TELEMARK, INC.,

Defendant.

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a Case Management Conference was held on March 29, 2012. After considering the Joint Case Management Statement submitted by the parties and consulting with the attorneys of record and good cause appearing, IT IS HEREBY ORDERED THAT:

1. ALTERNATIVE DISPUTE RESOLUTION.

SETTLEMENT CONFERENCE. This matter is referred to a magistrate judge for the purpose of completing a settlement conference within 120 days of the issuance of this order depending upon the schedule of the assigned Magistrate Judge. The parties shall promptly notify the Court whether the case is resolved at the conference.

2. DISCOVERY. On or before January 25, 2013, all non-expert discovery shall be completed by the parties. Discovery shall be limited as follows: (a) ten (10) non-expert depositions per party; (b) twenty-five (25) interrogatories per party, including all discrete

subparts; (c) a reasonable number of requests for production of documents or for inspection per party; and (d) a reasonable number of requests for admission per party.

3. EXPERT WITNESSES. The disclosure and discovery of expert witness opinions shall proceed as follows:

A. On or before March 21, 2013, plaintiff shall disclose expert testimony reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

B. On or before April 25, 2013, defendants shall disclose expert testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

C. On or before August 1, 2013, all discovery of expert witnesses pursuant to Federal Rule of Civil Procedure 26(b)(4) shall be completed.

4. CLAIM CONSTRUCTION SCHEDULING.

A. Defendants' invalidity contentions shall be due no later than **May 30, 2012**.

B. The parties shall exchange proposed terms for construction no later than **June 13, 2012** in accordance with Patent L.R. 4-1(b).

C. The parties shall exchange preliminary claim constructions and extrinsic evidence no later than **July 10, 2012**.

D. The parties shall file their joint claim construction and prehearing statement no later than **July 31, 2012**.

E. Claim construction discovery shall be completed no later than **August 30, 2012**.

F. Plaintiff shall file its opening claim construction brief no later than **September 18, 2012**.

G. Defendants shall file their responsive claim construction briefs with support no later than **October 2, 2012**.

H. Plaintiff shall file its claim construction reply brief no later than **October 9, 2012**.

I. A Tutorial and Claim Construction Hearing shall take place in Courtroom 3, 17th Floor, 450 Golden Gate Avenue, San Francisco, California on **October 24, 2012 at 10:00 a.m.**

IT IS SO ORDERED.

Dated: 3/29/12



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE